

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CR2011-007714-001 DT

05/03/2013

HON. PAMELA GATES

CLERK OF THE COURT  
D. McGraw  
Deputy

STATE OF ARIZONA

JEROME FENTON

v.

DAVID LOUIS COLSON (001)  
DOB: 1/21/1971

SHERRI LYNN COLSON

APO-SENTENCINGS-CCC  
APPEALS-CCC  
AZ DOC  
DISPOSITION CLERK-CSC  
EDM-QC-CCC  
MCSO-ATTN RECORDS MANAGER  
RFR

SENTENCE - IMPRISONMENT AND PROBATION

8:48 a.m. This is the time set for Sentencing.

Courtroom 8C South Court Tower

State's Attorney:	Jerome Fenton
Defendant's Attorney:	Sherri Colson
Defendant:	Present

Court Reporter, Lisa Vitoff, is present.

A record of the proceeding is also made by audio and/or videotape.

Pursuant to the agreement of the parties,

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IT IS ORDERED amending the Plea Agreement filed on February 7, 2013, on page 2, numbered paragraph 2, at the end of the second sentence, by replacing the initials C.H. with the initials B.B. The original Plea Agreement not being in the Court's possession,

IT IS FURTHER ORDERED directing the Clerk of Court, EDM-QC personnel, to make the above-referenced amendment and to have the document rescanned.

Dawn Byrd addresses the Court.

Phyllis Lovato, Cynthia Cravens, and Susan Smith address the Court on behalf of the Defendant.

Count(s) 1, 2, and 3: WAIVER OF TRIAL: The Defendant knowingly, intelligently and voluntarily waived all pertinent constitutional and appellate rights and entered a plea of guilty.

IT IS THE JUDGMENT of the Court Defendant is guilty of the following:

OFFENSE: Count 1 (as amended) SEXUAL CONDUCT WITH A MINOR,  
MASTURBATORY

Class 2 Felony and Dangerous Crime Against Children

A.R.S. § 13-1401, 13-1405, 13-3821, 13-610, 13-604.01 (renumbered 13-705), 13-701, 13-702, and 13-801

Date of Offense: On or between May 1, 2006 and September 30, 2006, against B.B. (DOB: 3/28/1996)

Non Dangerous - Non Repetitive

OFFENSE: Count 2 (as amended) ATTEMPTED MOLESTATION OF A CHILD

Class 3 Felony and Dangerous Crime Against Children

A.R.S. § 13-1401, 13-1410, 13-3821, 13-610, 13-705, 13-701, 13-702, 13-801, and 13-1001

Date of Offense: On or between March 28, 2005 and March 27, 2007, against B.B. (DOB: 3/28/1996)

Non Dangerous - Non Repetitive

OFFENSE: Count 3 (as amended) ATTEMPTED MOLESTATION OF A CHILD

Class 3 Felony and Dangerous Crime Against Children

A.R.S. § 13-1401, 13-1410, 13-3821, 13-610, 13-705, 13-701, 13-702, 13-801, and 13-1001

Date of Offense: On or between March 28, 2005 and March 27, 2007, against B.B. (DOB: 3/28/1996)

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Non Dangerous - Non Repetitive

AS PUNISHMENT, IT IS ORDERED Defendant is sentenced to a term of imprisonment and is committed to the Arizona Department of Corrections as follows:

Count 1: 27 calendar year(s) from May 3, 2013  
Presentence Incarceration Credit: 561 day(s)

Maximum

Additional Monetary Information: PROBATION SURCHARGE: Count 1 - \$5.00.

Additional Monetary Information: During sentencing the Court inadvertently imposed a fine of \$250.00 in Count 1. The Court correctly imposed \$250.00 in Count 2 as the Sex Offender Registration Fee, pursuant to A.R.S. § 13-3821, as set forth as an assessment in the parties' plea agreement. The Court vacates the imposition of a fine of \$250.00 in Count 1.

Community Supervision: Count 1 - Waived pursuant to A.R.S. § 13-603(K), due to the term of probation in Counts 2 and 3.

In the event the Defendant is released by the Department of Corrections on a temporary release basis, and a term of Community Supervision has been waived, the length of probation shall be extended to include the time of Defendant's temporary release, pursuant to A.R.S. §13-901(B).

The Court is suspending imposition or execution of sentence and, under the supervision of the Adult Probation Department (APD), placing the defendant on probation for:

Upon release from prison pursuant to A.R.S. §13-603(K). Count 2: For a period of LIFETIME.

IT IS ORDERED that probation in Count 2 shall run concurrent with probation in Count 3.

Upon release from prison pursuant to A.R.S. §13-603(K). Count 3: For a period of LIFETIME.

IT IS ORDERED that probation in Count 3 shall run concurrent with probation in Count 2.

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Conditions of probation include the following:

Condition 6: Report to the APD within 72 hours of sentencing, absolute discharge from prison, release from incarceration, or residential treatment and continue to report as directed. Keep APD advised of progress toward case plan goals and comply with any written directive of the APD to enforce compliance with the conditions of probation. Provide DNA testing if required by law.

Condition 8 - Request and obtain written permission of the APD prior to leaving the State.

Condition 9 - May apply for Interstate Compact supervision in the state of California and will not proceed to that state until reporting instructions are received and the APD issues a written travel permit.

Condition 15: Restitution, Fines and Fees:

PROBATION SERVICE FEE: Count 2 - \$65.00 per month.

SEX OFFENDER REGISTRATION FEE: Count 2 - \$250.00 (and not the monthly payment amount of \$10.00 that was stated on the record).

PROBATION SURCHARGE: Count 2 - \$10.00.

Count 2: Time payment fee pursuant to A.R.S. § 12-116 in the amount of \$20.00.

INTERSTATE COMPACT APPLICATION FEE: Count 2 - \$300.00, payable in full at the time of submission of the application.

Count 2: \$500.00 for Dangerous Crimes Against Children or Sexual Assault.

Count 3: Time payment fee pursuant to A.R.S. § 12-116 in the amount of \$20.00.

Payment to commence on a date to be determined and is due on the same day of each month thereafter until paid in full.

The Arizona Department of Corrections shall notify the Clerk of the Court of Maricopa County of Defendant's release from custody via e-mail [cforeponse@mail.maricopa.gov](mailto:cforeponse@mail.maricopa.gov). The Clerk of the Court, upon said notification, shall furnish financial information for a Criminal Restitution Order for Judicial signature for any unpaid monies to date.

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Additional Monetary Information: Discussion is held regarding the extradition fee. (See "LATER".)

Condition 16 - Not consume or possess any substances containing alcohol.

Condition 19: Not have any contact with the victim(s) in any form, unless approved in writing by the APD.

Condition 21 - Abide by the special conditions of probation as noted on the attachment to the Uniform Conditions of Supervised Probation as follows:

Sex Offender

Pursuant to A.R.S. § 13-3821(K), notification is made to the Sheriff of Maricopa County, Arizona.

Condition 21 - Abide by the special conditions of probation as noted on the attachment to the Uniform Conditions of Supervised Probation as follows:

Computer Usage: Ownership and Monitoring

Condition 21 - Abide by the special conditions of probation as noted on the attachment to the Uniform Conditions of Supervised Probation as follows:

Computer Usage: Applications

Condition 21 - Abide by the special conditions of probation as noted on the attachment to the Uniform Conditions of Supervised Probation as follows:

Computer Usage: Internet Communication

Condition 21 - Abide by the special conditions of probation as noted on the attachment to the Uniform Conditions of Supervised Probation as follows:

Computer Usage: Printing/Reproduction

Defendant is advised pursuant to A.R.S. § 13-805 that failure to maintain contact with the Probation Department may result in the issuance of:

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1. A criminal restitution order in favor of the state for the unpaid balance, if any, of any fines, costs, incarceration costs, fees, surcharges or assessments imposed.

2. A criminal restitution order in favor of each person entitled to restitution for the unpaid balance of any restitution ordered.

IT IS ORDERED granting the Motion to Dismiss the following: Counts 4, 5, and 6.

Count(s) 1: IT IS ORDERED authorizing the Maricopa County Sheriff to deliver Defendant to the Arizona Department of Corrections.

IT IS ORDERED the Clerk of the Superior Court remit to the Arizona Department of Corrections a copy of this Order or the Order of Confinement together with all presentence reports, probation violation reports, and medical and psychological reports that are not sealed in this cause relating to the Defendant.

Count(s) 2 and 3: IT IS FURTHER ORDERED Defendant be released from custody for these count only.

IT IS FURTHER ORDERED that Defendant must submit to DNA testing for law enforcement identification purposes and pay the applicable fee for the cost of that testing in accordance with A.R.S. § 13-610.

The Court will retain jurisdiction over restitution. No hearing is set at this time. In the event a restitution hearing is set, Defendant waives his presence.

9:28 a.m. Matter concludes.

LATER:

REIMBURSEMENT: Count 2 - \$1,237.75 (as and for extradition costs not restitution) payable \$50.00 per month. See the Uniform Conditions of Supervised probation.

This case is eFiling eligible: <http://www.clerkofcourt.maricopa.gov/efiling/default.asp>. Attorneys are encouraged to review Supreme Court Administrative Order 2011-140 to determine their mandatory participation in eFiling through AZTurboCourt.

ISSUED: Order of Confinement - Certified Copy to DOC via MCSO

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Defendant's right index fingerprint is permanently affixed to this sentencing order in open court.

/s/ HON. PAMELA GATES  
JUDGE OF THE SUPERIOR COURT

(right index fingerprint)